IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION

IN RE DIGITEK [®] PRODUCTS LIABILIT	Y LITIGA	TON MDL NO. 1968
THIS DOCUMENT RELATES	TO ALL (ASES
STATE OF OHIO)) SS	AFFIDAVIT OF A. MICHAEL ANDERTON
COUNTY OF CUYAHOGA)	

- I, A. MICHAEL ANDERTON, being first duly sworn according to law, testify from my own personal knowledge as follows:
- 1. I am counsel for the Actavis Defendants in *In Re: Digitek Product Liability Litigation*, U.S. District Court for the Southern District of West Virginia, Charleston Division, MDL No. 1968, and am competent to testify to the matters set forth below.
- 2. The first time defense counsel for Actavis became aware of Mr. Galea's work during 2007 at Actavis Totowa, or of his assessment report, was during an initial pre-deposition interview I held with him on November 25, 2009.
- 3. As of the date of Mr. Galea's deposition, December 9, 2009, defense counsel had not yet seen his report.
- 4. It was not until December 18, 2009 that defense counsel received what was believed to be the assessment report, and that fact was not confirmed until January 6, 2010.
 - 5. Mr. Galea's assessment report does not mention Digitek®, or any other product.

6. The parties' agreed-upon search terms did not capture Mr. Galea's assessment report and in fact, the assessment report is non-responsive to the parties' search terms.

FURTHER AFFIDAVIT SAITH NAUGHT.

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SWORN TO AND SUBSCRIBED IN MY PRESENCE this 12 day of January,

NOTARY (PUBLIC

CHERYL L. BUWEVICH
Notary Public, State of Ohio
Lorain County
My Commission Expires May 31, 2010

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